

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

ROBERT ACEVEDO, :
Plaintiff, : CIVIL ACTION
v. :
THE CITY OF PHILADELPHIA, :
Defendant. :
ORDER

AND NOW, this 21st day of *January*, 2010, upon consideration of Defendant City of Philadelphia's Motion for Summary Judgment (Docket No. 27), Plaintiff Robert Acevedo's Response (Docket No. 29), and Defendant's Reply Brief (Docket No. 31), as well as Plaintiff's Cross-motion for Summary Judgment (Docket No. 26), Defendant's Response (Docket No. 28), and Plaintiff's Reply Brief (Docket No. 30), it is hereby **ORDERED** that Plaintiff's Motion for Summary Judgment is **DENIED** in its entirety and that Defendant's Motion for Summary Judgment is **GRANTED IN PART** and **DENIED IN PART** as follows:

1. As to Counts I and II of the Complaint, Defendant's Motion is **DENIED**;
2. As to Count III of the Complaint, Defendant's Motion is **GRANTED** and **JUDGMENT IS ENTERED** in favor of Defendant on this Count;
3. As to Count IV of the Complaint, Defendant's Motion is **GRANTED** and **JUDGMENT IS ENTERED** in favor of Defendant on this Count;
4. A **STATUS CONFERENCE** is scheduled for Wednesday, February 10, 2010 at 11:00 a.m. in the chambers of the undersigned to establish a trial date and related procedures.

BY THE COURT:

s/ Ronald L. Buckwalter

RONALD L. BUCKWALTER, S.J.